

Mr. Daniel A Bryant

Attorney

Thank you Mr. Chairman and members of the Committee for inviting me to testify today. I appreciate this opportunity to address the Committee about the important issues of voting in Federal Elections, voter identification and voter fraud. My experiences on behalf of the Otero County Clerk's office and the recent work that I have done in Dona Ana County have left me with an abiding conviction that one of the most important goals that I can pursue is to ensure that all elections in our Country are held with the highest possible standards of honesty and integrity that guarantees that each United States citizen's vote counts in every election.

My name is Daniel Bryant and I am an attorney in private practice in New Mexico. I have served as General Counsel to numerous New Mexico Counties and Cities for the past twenty-eight years. Through my representation of these entities, I have participated in numerous elections and have personally witnessed many instances involving forms of fraud, misconduct and other problems in elections that jeopardize the integrity of elections.

I am concerned about fraud in the registration and voting process, and that legal voters have been disenfranchised by ballots illegally and fraudulently cast in our state and federal elections. Recently, I have been retained by the Dona Ana County Republicans to look into numerous instances that they have discovered to be fraudulent, inappropriate and egregious. Many volunteers have spent countless hours researching the results and data of the 2004 General Election here in Dona Ana County and discovered numerous occurrences of voter disenfranchisement. In addition, we have looked at the June 2006 Primary election and found additional instances that indicate that voter fraud could indeed be a problem. Many of these instances deal with rejected provisional ballots, voting machine tapes showing numbers of ballots cast that are different than reported to the New Mexico Secretary of State, votes cast by deceased individuals and numerous votes cast by the same voter.

We have been contacted by several Dona Ana County Voters who have related various circumstances that lead me to a great concern about the integrity of the voting process.

New Mexico

recently instituted a non-photo voter identification program. When Cecilia Levitino received her voter ID card in the mail at the address she had lived in for more than four years, she also received a non-photo voter ID card for Karen Wright, the previous resident at that address. Someone who was less ethical could have seen to it that both cards were used on election day.

In another example, Mr. Tom Walker, a volunteer, investigated a list provided by the Clerk's office that showed registered voters within the County. He sent a group of college student volunteers around to the addresses and learned that a large portion of the addresses were either vacant lots or apartment complexes from which the residents had moved or they were not residents at all. The student volunteers took photos one of the addresses listed was actually a field and a buffalo grazing. In addition, he used the New Mexico Vital Statistics report on deceased persons and compared that data base to the registered voter list and determined that a significant number of deceased voters were still registered to vote. Without photo voter ID, those registrations result in a pool of potential fraudulent votes that could be cast.

Shelly Hayner the Tally Point Leader for the Dona Ana County Republican Party for the 2004 General Election found that the voting machine tapes and numbers that the Clerk's office reported to the Secretary of State didn't match. The canvass returns of the General Election held on November 2, 2004 showed that there were 19,940 voters voting early. The machine tapes show 19,456. The variance between what the Clerk reported as early voters and what the machine tapes show is 484 votes. That discrepancy alone is

large enough to change the result in a number of the races. Each of those 484 votes is a potential fraudulent vote. It is impossible to determine who those votes belonged to, how they were generated and whether the votes were cast by United States Citizens.

Maria Elena Bailey a new American Citizen from Mexico. Maria registered at the Dona Ana County Republican Party office on August 29, 2004, it was sent to the County Clerk on September 14, 2004 and dated by a date stamp at the Clerk's office. On election day, Maria went to vote, they showed her as not registered. Maria went to the Dona Ana County Republican Party Headquarters office to complain, they showed her the form that was dated by the Clerk's office. Maria took that to the Clerk and they indicated that they could not accept that because the Dona Ana County Republican Party could have put the date on it. The Dona Ana County Republican Party had one of their 14 lawyers call the Clerk's office and the Clerk's office told him that they found her registration in a box of other voter's registrations that had not been entered into the computer by election day and that she could vote on a provisional ballot. After the election, it was learned that her provisional ballot had been thrown out because she had not been registered to vote. She finally received two voter's registrations in June of 2005. If Ms. Bailey were not an ethical honorable person, she could vote twice in 2006 without an effective voter ID requirement.

CONCLUSION

As a result, I cannot reach any conclusion other than the need for an effective, consistent, nationwide voter ID requirement. Today I have little confidence that here in Dona Ana County we can be confident that the November 2006 election will reliably reflect the will of the voters. I remain significantly concerned that voter participation will be discouraged because the voters have little confidence that their vote really counts, when blocks of fraudulent votes are so easily manufactured. Initially, I conclude that HR 4844 or similar legislation is a critical step forward in the effort to restore integrity, honor and integrity to the election process.

Creating that environment is critical to restoring the confidence that Americans need to motivate increased participation and to generate large turnouts for our elections.

I would be happy to take questions from the Committee.